

## **REMARKS**

Claims 63-88 and 90-125 are pending. Claims 108 was allowed. Claims 63, 78, 79, 85, 86, and 87 were rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Pat. 6,839,322 (Ashwood) in view of U.S. Pat. 6,970,648 (Ofek). Claims 88, 96, 101, 103, 110-112, 114-120, 124, and 125 were rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Pat. 6,335,992 (Bala) in view of U.S. Pat. 6,839,322 (Ashwood).

In this paper, claims 66-67, 76, 85, 91, 93, 96-100, and 110-111 are cancelled, and claims 63, 88, 90, 92, 94-95, 101-107, and 112-113 are amended to remove unnecessary terms. New claims 126 and 127 are added.

### **Rejection under 103:**

#### **Claim 63**

Claim 63 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ashwood in view of Ofek. This rejection is respectfully traversed.

Applicants respectfully assert that neither Ashwood nor Ofek nor their combination show or suggest the following features of claim 63:

“A method of passing received Internet Protocol (IP) data packets through a network device, said method comprising:

constructing within said network device a chunk as a substantially fixed quantity of data with a payload that is sized to fit more than one of said IP data packets;

filling said payload of said chunk with a portion of at least one said IP data packet;

passing said chunk through an optical switch fabric of said network device.”

These features are exemplified in the Specification of the present application, e.g, at page 7.

Ashwood lacks the above-listed features. In Ashwood, a frame flows between routers in an optical network. Ashwood does not show a “chunk” data structure, as recited in the claim, within a network device that has an optical switch fabric.

Further, Applicant submits that deficiencies of Ashwood are not cured by Ofek. In Ofek, a frame flows between routers in an optical network. Ofek does not show a “chunk” data structure with a network device that has an optical switch fabric.

Accordingly, Applicant submits that even if Ashwood and Ofek were combined as suggested by the Office Action (even though there appears to be no motivation for the combination), the resultant combination does not make obvious the inventions recited in claim 63. Applicant consequently submits that claim 63 is patentable over a combination of Ashwood and Ofek.

As to dependent claims 64-65, 68-75, 77-84, 86-87, and 126 the argument set forth above is equally applicable here. The base claim being allowable, the dependent claims must also be allowable.

#### Claim 88

Claim 88 is rejected under 35 U.S.C. 103(a) as being unpatentable over Bala in view of Ashwood. This rejection is respectfully traversed.

Applicants respectfully assert that neither Bala nor Ashwood nor their combination show or suggest the following feature of claim 88:

“An Internet Protocol (IP) packet router, said router comprising: at least one chunk having a payload comprising a plurality of IP data packets and a framing symbol;” and “an optical switch fabric through which said chunk passes.”

These features are exemplified in the Specification of the present application, e.g. at page 7.

Bala lacks the above-listed features. In Bala, electrical and optical signals pass through switches do not contain a payload comprising a plurality of data packets and a framing symbol. Bala also does not show a data structure (i.e. chunks) with a network device that has an optical switch fabric.

Further, Applicant submits that deficiencies of Bala are not cured by Ashwood. Ashwood also lacks the above-listed features. In Ashwood, a frame flows between routers in an optical network. Ashwood does not show a data structure (i.e. chunks) with a network device that has an optical switch fabric.

Accordingly, Applicant submits that even if Bala and Ashwood were combined as suggested by the Office Action (even though there appears to be no motivation for the combination), the resultant combination does not make obvious the inventions recited in claim 88. Applicant consequently submits that claim 88 is patentable over a combination of Bala and Ashwood.

As to dependent claims 90, 92, 94-95, 101-107, 109, and 127 the argument set forth above is equally applicable here. The base claim being allowable, the dependent claims must also be allowable.

#### Claim 112

Claim 112 is rejected under 35 U.S.C. 103(a) as being unpatentable over Bala in view of Ashwood. This rejection is respectfully traversed.

Applicants respectfully assert that neither Bala nor Ashwood nor their combination show or suggest the following feature of claim 112:

“A method of information flow through an IP packet network device, said method comprising:

encapsulating within said network device input IP data packets from a plurality of source ports into substantially fixed sized chunks;

formatting overhead information onto each of said chunks, said overhead including a framing symbol; and

sending said chunks to an optical switch plane of said IP network device.”

These features are exemplified in the Specification of the present application, .e.g, at page 7.

Bala lacks the above-listed features. In Bala, electrical and optical signals pass through switches are not data structures (i.e. chuncks) which are encapsulated with data packets and does not contain a framing symbol. Bala also does not show a data structure (i.e. chunks) with a network device that has an optical switch plane.

Further, Applicant submits that deficiencies of Bala are not cured by Ashwood. Ashwood also lacks the above-listed features. In Ashwood, a frame flows between routers in an optical network. Ashwood does not show a data structure (i.e. chunks) with a network device that has an optical switch fabric.

Accordingly, Applicant submits that even if Bala and Ashwood were combined as suggested by the Office Action (even though there appears to be no motivation for the combination), the resultant combination does not make obvious the inventions recited in claim 112. Applicant consequently submits that claim 112 is patentable over a combination of Bala and Ashwood.

As to dependent claims 113-125, the argument set forth above is equally applicable here. The base claim being allowable, the dependent claims must also be allowable.

Please issue a Notice of Allowance as soon as possible.

Please direct questions or comments to the undersigned at 408-207-1672. Please call during the Examiner's afternoons to account for time zone differences.

Respectfully submitted,

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Brandon Hsieh, Reg. No. 63,197

CUSTOMER NO. 33,707